

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES JACOBSON, JR., et al.,

Plaintiffs,

v.

RAGNAR PETTERSSON, et al.,

Defendants.

No. CV6-1117 MJP

ORDER

This matter comes before the Court on Plaintiffs' "Motion and Notice for Re-Noting Plaintiff's Motion for Contempt." (Dkt. No. 210.) Mr. Jacobson has filed for Chapter 7 bankruptcy on behalf of Clearlake LLC, f/k/a Stafford Partners LLC, d/b/a Clearlake Designs. (See Case. No. 07-10698-SJS.) In the "Motion and Notice," Plaintiff Jacobson asserts that the Automatic Stay Provisions of the U.S. Bankruptcy Code apply to this civil action. On March 27, 2007, the Court requested that Defendants respond to Mr. Jacobson's assertion that the automatic stay provisions apply here. (Dkt. No. 221.) Defendants have filed a memorandum in response, in which they argue that the automatic stay provisions do not apply here. (Dkt. No. 223.)

This case is not stayed. The Bankruptcy Code's automatic stay provision, 11 U.S.C. § 362(a), operates to stay claims against the debtor in a bankruptcy action. See Lynch v. Johns-Manville Sales Corp., 710 F.2d 1194, 1197 (6th Cir. 1983). But Plaintiffs here — Mr. Jacobson and his two minor children — are not debtors in the bankruptcy action. Instead, Mr. Jacobson's LLC, Clearlake, is the bankruptcy debtor. Thus, Plaintiffs do not benefit from the automatic stay. See id.; see also 3 Lawrence P. King, et al., Collier on Bankruptcy § 362.03 (15th ed. 1993). And even if Clearlake, LLC were a plaintiff in this case, the automatic stay provisions do not bar a defendant from seeking dismissal of a debtor's civil suit. See United States v. Inslaw, Inc., 932 F.2d 1467, 1473

1 (D.C. Cir. 1991); Martin-Trigona v. Champion Fed. Sav. & Loan Assn., 892 F.2d 575, 577 (7th Cir.
2 1989) (“[T]he automatic stay is inapplicable to suits by the [debtor].”).

3 In short, because Plaintiffs are not bankruptcy debtors, the automatic stay does not apply to
4 this case.

5 The clerk is directed to provide a copy of this order to all counsel of record.

6 Dated: April 11th, 2007.

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8 Marsha J. Pechman
9 United States District Judge
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